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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,671	04/02/2004	Alan S. McNulty	1936-117	9756

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ROTHWELL, FIGG, ERNST & MANBECK, P.C.
1425 K STREET, N.W.
SUITE 800
WASHINGTON, DC 20005

EXAMINER	
DOUGHERTY, ANTHONY T	

ART UNIT	PAPER NUMBER
2863	

DATE MAILED: 03/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/815,671	MCNULTY, ALAN S.	
	Examiner	Art Unit	
	Anthony T. Dougherty	2863	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 June 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *02 April 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *6/23/04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Double Patenting

1. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

2. Claims 1-12 rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1-12 of prior U.S. Patent No. 6,760,680 to McNulty. This is a double patenting rejection.

Below is a table comparing the claims of the application with that of the patent to McNulty above, no sections have been underlined to indicate differences since all the claims 1-12 of the application are identical word for word as the claims 1-12 of U.S. Patent No. 6,760,680 to McNulty.

U.S. Application Number 10/815,671	U.S. Patent No. 6,760,680
1. Apparatus for testing functionality of a printed circuit board used to control operation of a printing press, comprising: a plurality of input switches for providing to said circuit board test input signals simulating function control signals from a printing press control input, said function control signals controlling a plurality of functions of said printing press; a plurality of test loads simulating printing press loads for receiving from said circuit board output drive signals developed in response to said test input signals; and a processor for controlling operation of said input switches and for monitoring responses of said test loads in response to said output drive signals; whereby proper functionality of said printed circuit board in response to each of said plurality of function control signals is analyzed under simulated conditions of an actual operating printing press.	1. Apparatus for testing functionality of a printed circuit board used to control operation of a printing press, comprising: a plurality of input switches for providing to said circuit board test input signals simulating function control signals from a printing press control input, said function control signals controlling a plurality of functions of said printing press; a plurality of test loads simulating printing press loads for receiving from said circuit board output drive signals developed in response to said test input signals; and a processor for controlling operation of said input switches and for monitoring responses of said test loads in response to said output drive signals; whereby proper functionality of said printed circuit board in response to each of said plurality of function control signals is analyzed under simulated conditions of an actual operating printing press.

U.S. Application Number 10/815,671	U.S. Patent No. 6,760,680
2. Apparatus according to claim 1, wherein plurality of input switches comprises at least one toggle switch.	2. Apparatus according to claim 1, wherein plurality of input switches comprises at least one toggle switch.
3. Apparatus according to claim 2, wherein said at least one toggle switch provides a function enable signal for enabling a printing press function to be controlled by said circuit board.	3. Apparatus according to claim 2, wherein said at least one toggle switch provides a function enable signal for enabling a printing press function to be controlled by said circuit board.
4. Apparatus according to claim 3, wherein said printed circuit board comprises a digital inker board for controlling a volume of ink applied to an ink roller of said printing press for image printing, and a color change volume of ink applied to said ink roller for a color change function.	4. Apparatus according to claim 3, wherein said printed circuit board comprises a digital inker board for controlling a volume of ink applied to an ink roller of said printing press for image printing, and a color change volume of ink applied to said ink roller for a color change function.
5. Apparatus according to claim 4, wherein said plurality of switches includes an ink enable toggle switch for enabling a roller inker function of said digital inker board.	5. Apparatus according to claim 4, wherein said plurality of switches includes an ink enable toggle switch for enabling a roller inker function of said digital inker board.

U.S. Application Number 10/815,671	U.S. Patent No. 6,760,680
6. Apparatus according to claim 4, wherein said plurality of switches includes a color change enable toggle switch for enabling said roller ink color change function of said digital inker board.	6. Apparatus according to claim 4, wherein said plurality of switches includes a color change enable toggle switch for enabling said roller ink color change function of said digital inker board.
7. Apparatus according to claim 4, wherein test loads corresponding to said ink enable and color change functions are comprised of a plurality of ink pack solenoid coil simulated loads.	7. Apparatus according to claim 4, wherein test loads corresponding to said ink enable and color change functions are comprised of a plurality of ink pack solenoid coil simulated loads.
8. Apparatus according to claim 1, wherein said printed circuit board comprises a dampening, registration and ink (DRINK) board for controlling roller dampening, roller positional registration, and ink roller rotational speed functions of said printing press.	8. Apparatus according to claim 1, wherein said printed circuit board comprises a dampening, registration and ink (DRINK) board for controlling roller dampening, roller positional registration, and ink roller rotational speed functions of said printing press.
9. Apparatus according to claim 8, wherein test loads corresponding to said dampening functions are comprised of a plurality of spray-bar solenoid coil simulated loads.	9. Apparatus according to claim 8, wherein test loads corresponding to said dampening functions are comprised of a plurality of spray-bar solenoid coil simulated loads.

U.S. Application Number 10/815,671	U.S. Patent No. 6,760,680
10. Apparatus according to claim 8, wherein said test loads corresponding to said positional registration functions are comprised of a plurality of registration solenoid coil simulated loads.	10. Apparatus according to claim 8, wherein said test loads corresponding to said positional registration functions are comprised of a plurality of registration solenoid coil simulated loads.
11. Apparatus according to claim 8, further comprising a plurality of analog test point loads for receiving analog drive signals for said ink roller rotational speed function.	11. Apparatus according to claim 8, further comprising a plurality of analog test point loads for receiving analog drive signals for said ink roller rotational speed function.
12. Apparatus according to claim 1, further comprising a frequency generator for generating a frequency signal simulating an operating frequency of said printing press and applied as an input signal to said circuit board.	12. Apparatus according to claim 1, further comprising a frequency generator for generating a frequency signal simulating an operating frequency of said printing press and applied as an input signal to said circuit board.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 5,163,368 to Pensavecchia et al. because it teaches a printing press controller.

U.S. Patent No. 6,006,662 to Ishida et al. because it teaches a printing press controller.

U.S. Patent No. 5,495,094 to Rowan et al. because it teaches simulating solenoid coil loads.

U.S. Patent No. 5,027,706 to Niemiro et al. because it teaches an ink control system for a printing press.

U.S. Patent No. 3,774,536 to Raymond et al. because it teaches a printing press controller.

U.S. Patent No. 6,449,402 to Sikes et al. because it teaches a printing press controller with built in test functionality.

U.S. Patent No. 3,764,995 to Helf, Jr. et al. because it teaches a test system for providing stimulus and measuring response of a circuit board.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony T. Dougherty whose telephone number is (571) 272-2273. The examiner can normally be reached on Monday through Friday from 8 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Barlow can be reached on (571) 272-2269. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

atd

John Barlow
Supervisory Patent Examiner
Technology Center 2800